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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/784,855	02/23/2004	James H. Keithly	0876-0178	9428		
26568	7590 03/06/2006		EXAMINER			
COOK, ALE SUITE 2850	COOK, ALEX, MCFARRON, MANZO, CUMMINGS & MEHLER LTD			SAYALA, CHHAYA D		
	DAMS STREET	ART UNIT	PAPER NUMBER			
CHICAGO, II	CHICAGO, IL 60606					

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Applicant(s)											
Examiner  The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - batesies of time may be evaluate under the previous of 3° CFR 1.33(e). In one rest, however, may a reply be timely filed.  - batesies of time may be available under the previous of 3° CFR 1.33(e). In one rest, however, may a reply be timely filed to 1° HO period for reply is specified shows, the maximum dates yeard will apply 58 (MONTHS from the mailing date of this communication.  - Falsets to reply within the set or scended printio for reply will, by shalade, cause the application to become ABANCORED (3° U. 3°. C § 1.33).  - Falsets to reply within the set or scended printio for reply will, by the state, cause the application to become ABANCORED (3° U. 3°. C § 1.33).  - Falsets to reply within the set or scended printio for reply will, by the advise, cause the application to become ABANCORED (3° U. 3°. C § 1.33).  - Falsets to reply within the set or scended printio for reply will, by the advise, cause the application to become ABANCORED (3° U. 3°. C § 1.33).  - Falsets to reply within the set or scended printion for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  - Disposition of Claims  - Disposition of Claims  - Application of Printing Advisery and the application.  - Application is sized and the application of the application of the above daim(s) is sized and printing			Application No.	Applicant(s)							
C. SAYALA			10/784,855	KEITHLY ET AL.							
The MALINO DATE of this communication appears on the cover sheet with the correspondence address — Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time ray be availated under the sprevious of 37 CFR 118(b), no event, however, ways reply be timely field.  1 ND period for reply is specified above, the maximum stabulatory period will suply and will easily as SW (8) MONTHS from the mailing date of this communication.  1 Pallus to reply when the ext or extended period for reply is specified above, the maximum stabulatory period will suply and will easily as SW (8) MONTHS from the mailing date of this communication.  1 Pallus to reply when the ext or extended period for reply is specified above, the maximum stabulatory period will suply and will easily as SW (8) U.S. (± 13).  Any reply receive by the Office lited than three mailing date the mailing date of this communication, even if deniety filed, may reduce any extended period for reply is specified above, the maximum stable to the maximum stable than the supplication is communication.  1 Pallus to reply with the extended period for reply lab yet above.  2 In This action is FINAL.  2   Dim This action is final.  2   Dim Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4   Dim Claim(s)		Office Action Summary	Examiner	Art Unit							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the protections of 37 CFR 1-136(a). In or event, however, may a reply be timely filled.  - Expiration of the protection of the maximum tention of											
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Eatherious of time may be available under the provisions of 37 CRT 113(b). he nevest, however, may a repty be timely flied after 5X (6) MODITIS from the mailing date of this communications of 37 CRT 113(b). he nevest, however, may a repty be timely flied after 5X (6) MODITIS from the mailing date of this communication of 1X (6) MODITIS from the mailing date of this communication. Pathwore repty which he set or centred period for ringy vill, by statiots, cause the application to become ABANDOEDIC 35 U.S.C. § 133. Any repty received by the Office later than three months after the malling date of this communication, even if timely flied, may reduce any seaned patent than adjustment. See 37 CFR 1.70(b).  Status  1) Responsive to communication(s) filed on	Period										
1   Responsive to communication(s) filed on	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any										
2a)  This action is FINAL. 2b) This action is non-final.  3  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4  Claim(s) 1-33 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5)  Claim(s) is/are allowed. 6)  Claim(s) is/are objected to. 8  Claim(s) are subject to restriction and/or election requirement.  Application Papers  9  The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * O  None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.											
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4a) Of the above claim(s) is/are withdrawn from consideration.  5) □ Claim(s) is/are allowed.  6) ☒ Claim(s) is/are objected to.  7) □ Claim(s) is/are objected to.  8) □ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some * c) □ None of:  1. □ Certified copies of the priority documents have been received.  2. □ Certified copies of the priority documents have been received in Application No  3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.	Disposition of Claims										
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12)   Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)   All b)   Some * c)   None of:  1.	9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).										
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Notice of References Cited (PTO-892)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  Interview Summary (PTO-413)  Paper No(s)/Mail Date  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Notice of Informal Patent Application (PTO-152)	<ul> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No.</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> </ul>										
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## **DETAILED ACTION**

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-19, drawn to poultry feed, classified in class 426, subclass 615.
- Claims 20-33, drawn to poultry breeding operations, classified in class
   subclass 437.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the process can be practiced with a feed supplement that is materially different such as that of US Patent 4560561 to be used in a similar breeding operation.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

A telephone call was made to Mr Mehler on or about 10/20/2005 to request an oral election to the above restriction requirement, but did not result in an election being made.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be

traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected

invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

or more of the currently named inventors is no longer an inventor of at least one claim

remaining in the application. Any amendment of inventorship must be accompanied by

a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should

be directed to C. SAYALA whose telephone number is 571-272-1405.

The fax phone number for the organization where this application or proceeding is assigned is

703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC)

at 866-217-9197 (toll-free).

C. SAYALA

Primary Examiner

Group 1700.